



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
RODNEY E. LEE,)	
)	
Complainant)	Charge No. 2003CF2073
)	ALS No. 04-146
AND)	
)	
DSC LOGISTICS,)	
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

On April 15th, 2004, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Rodney E. Lee. That two count complaint alleged that Respondent DSC Logistics subjected Complainant to unequal terms and conditions of employment and discharged him because of his race, in violation of Section 2-102(A) of the Illinois Human Rights Act.

The matter was last before this tribunal on November 16th, 2004 for a status hearing at which time respondent appeared and Complainant failed to appear.

FINDINGS OF FACT

1. On July 7th, 2004, this matter was scheduled for a status hearing before an Administrative Law Judge. Respondent appeared and Complainant failed to appear. An order was issued continuing the case to August 4th, 2004, but the order warned that if Complainant failed to appear for the August 4th, 2004 hearing, Respondent would be granted leave to file a motion to dismiss. On that date, Respondent filed proof of service with the Commission.

2. On August 4th, 2004 both Complainant and Respondent appeared. An initial discovery schedule was set and the matter was continued to October 6th, 2004.
3. To this date, Complainant has ignored the discovery schedule set by this tribunal in its August 4th, 2004 order.
4. On October 6th, 2004, Respondent appeared for the scheduled status hearing and Complainant again failed to appear. The matter was continued to November 16th, 2004 and an order was issued warning that if Complainant failed to appear for the November 16th, 2004 status hearing he would risk dismissal of his case. Respondent filed proof of service with the Commission on October 6th, 2004.
5. On November 16th, 2004, Respondent appeared for the scheduled status hearing and Complainant again failed to appear. On that date, Respondent filed its *Motion to Dismiss for Want of Prosecution, Failure to Comply with the Commission's Orders and Unreasonable Delay*. The ALJ issued an order giving Complainant ten (10) days to respond to Respondent's motion and advised that ruling would be by mail.
6. As of December 3rd, 2004, the Complainant has not filed a response to Respondent's motion.

CONCLUSIONS OF LAW

1. Complainant's failure to appear for scheduled status hearings, as well as his failure to comply with written orders of the Administrative Law Judge, has unreasonably delayed the proceedings in this matter.
2. In light of Complainant's apparent abandonment of his claim, it is appropriate to dismiss this matter with prejudice.

DISCUSSION

Complainant has taken absolutely no action to prosecute this matter since the complaint was filed. Without explanation, Complainant has missed three (3) scheduled status hearings and has also ignored this tribunal's order with regard to discovery. Finally, Complainant has failed to file a response to Respondent's *Motion to Dismiss for Want of Prosecution, Failure to Comply with the Commission's Orders and Unreasonable Delay* which Respondent filed on November 16th, 2004.

For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result it is appropriate to dismiss his claim with prejudice. See Leonard and Solid Matter, Inc. ____ Ill. HRC Rep.____, (1989CN3091, August 25th, 1992).

RECOMMENDATION

Based on the foregoing, it appears that Complainant has abandoned his claim. Accordingly, it is recommended that the complaint be dismissed with prejudice.

ENTERED: December 3rd, 2004

HUMAN RIGHTS COMMISSION

**MARIETTE LINDT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION**